



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of: Clendennen and Lightner

Application No. 10/554,386 ✓

Filed: October 25, 2005

Confirmation No. 1886

For: GENES UPREGULATED IN A TOMATO  
PLANT HAVING AN INCREASED  
ANTHOCYANIN CONTENT  
PHENOTYPE

Examiner:

Art Unit:

Attorney Reference No. 6616-72693-06

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Attorney or Agent  
for Applicant(s)

*Anne Carlson*

Date Mailed July 7, 2006

TRANSMITTAL LETTER

Enclosed for filing in the application referenced above are the following:

- ☒ Information Disclosure Statement
  - ☒ Form 1449
  - ☒ References (10)
- ☒ The Director is hereby authorized to charge any additional fees that may be required, or credit over-payment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

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By

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Registration No. 47,472



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PATENT

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**INFORMATION DISCLOSURE STATEMENT  
PURSUANT TO 37 C.F.R. § 1.97(b)(3)**

Listed on the accompanying form PTO-1449 are several English-language documents, of which ten references are enclosed herewith. Applicants respectfully request that these documents be listed as references cited on the issued patent.

Copies of United States patents and United States published patent applications do not have to be provided to the Patent Office (37 C.F.R. 1.98(a)(2)(ii)). Copies of unpublished U.S. applications do not have to be provided, as long as the application is available on PAIR, as this requirement of 37 C.F.R. § 1.98(a)(2)(iii) has been waived by the United States Patent and Trademark Office pursuant to the Official Gazette Notice on October 19, 2004 (1287 OG 163). Applicants will provide copies of such patents or applications upon request.

Applicants filed this Information Disclosure Statement ("IDS") before the mailing date of a first Office action on the merits. As a result, no fee should be required to file this IDS.

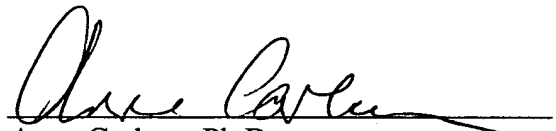
However, if the Patent Office determines that a fee is required for Applicants to file this IDS, please charge any such fees, or credit overpayment, to Deposit Account No. 02-4550. Deposit Account authority is provided on the accompanying transmittal letter.

The filing of this IDS shall not be construed to be an admission that the information cited in the statement is, or is considered to be, prior art or otherwise material to patentability as defined in 37 C.F.R. §1.56.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

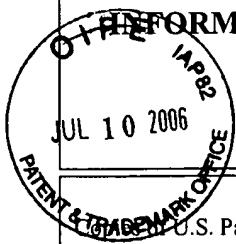
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>	Attorney Docket Number	6616-72693-06
	Application Number	10/554,386
	Filing Date	October 25, 2005
	First Named Inventor	Clendennen
	Art Unit	
	Examiner Name	

### U.S. PATENT DOCUMENTS

U.S. Patent documents do not need to be provided, unless requested by the Patent and Trademark Office. For patents, provide the patent number and the issue date. For published U.S. applications, provide the publication number and the publication date. For unpublished pending patent applications, provide the application number and the filing date.

Examiner's Initials*	Cite No. (optional)	Number	Publication Date	Name of Applicant or Patentee
		5,349,125	September 20, 1994	Holton <i>et al.</i>
		5,569,832	October 29, 1996	Holton <i>et al.</i>
		5,733,759	March 31, 1998	Taylor <i>et al.</i>
		5,831,060	November 3, 1998	Wada <i>et al.</i>
		5,859,329	January 12, 1999	Holton <i>et al.</i>
		5,861,487	January 19, 1999	Holton <i>et al.</i>
		6,054,636	April 25, 2000	Fader
		US 2002-0133848	September 19, 2002	Connors <i>et al.</i>
		US 2003-0226174	December 4, 2003	Connors <i>et al.</i>
		6,608,246	August 19, 2005	Bovy <i>et al.</i>

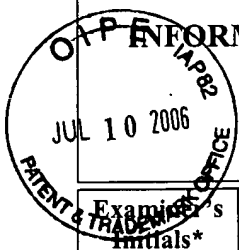
### OTHER DOCUMENTS

Examiner's Initials*	Cite No. (optional)	
		ALFENITO <i>et al.</i> , "Functional complementation of anthocyanin sequestration in the vacuole of widely divergent glutathione S-transferases," <i>The Plant Cell</i> , 10:1135-1149, 1998.
		BOVY <i>et al.</i> , "High-Flavonol Tomatoes Resulting from the Heterologous Expression of the Maize Transcription Factor Genes LC and C1," <i>The Plant Cell</i> , 14:2509-2526, 2002.
		CONE <i>et al.</i> , "Cloned Anthocyanin Genes and Their Regulation," <i>The Maize Handbook</i> , Freeling <i>et al.</i> , Springer-Verlag, New York, pages 282-285, 1994.
		DEBEAUJON <i>et al.</i> , "The TRANSPARENT TESTA12 Gene of Arabidopsis Encodes a Multidrug Secondary Transporter-like Protein Required for Flavonoid Sequestration in Vacuoles of the Seed Coat Endothelium," <i>The Plant Cell</i> , 13:853-871, 2000.

EXAMINER  
SIGNATURE:

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\* Examiner: Initial if reference considered, whether or not in conformance with MPEP 609. Draw line through cite if not in conformance and not considered. Include copy of this form with next communication to applicant.



# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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		DONG, X., "Functional Conservation of Plant Secondary Metabolic Enzymes Revealed by Complementation of Arabidopsis Flavonoid Mutants with Maize Genes," <i>Plant Physiology</i> , 127:46-57, 2001.
		ISLAM, M., "Anthocyanin Compositions in Sweetpotato ( <i>Ipomoea batatas</i> L.) Leaves," <i>Biosci. Biotechnol. Biochem.</i> , 66(11):2483-2486, 2002.
		PROTEGGENTE <i>et al.</i> , "The antioxidant activity of regularly consumed fruit and vegetables reflects their phenolic and vitamin C composition," <i>Free Radical Research</i> , 36(2):217-233, 2002.
		QUATTROCCHIO <i>et al.</i> , "Molecular Analysis of the anthocyanin2 Gene of Petunia and Its Role in the Evolution of Flower Color," <i>The Plant Cell</i> , 11:1433-1444, 1999.
		SPELT <i>et al.</i> , "ANTHOCYANIN1 of Petunia Controls Pigment Synthesis, Vacuolar pH, and Seed Coat Development by Genetically Distinct Mechanisms," <i>The Plant Cell</i> , 14:2121-2135, 2002.
		SPELT <i>et al.</i> , "anthocyanin1 of Petunia Encodes a Basic Helix-Loop-Helix Protein that Directly Activates Transcription of Structural Anthocyanin Genes," <i>The Plant Cell</i> , 12:1619-1631, 2000.

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